

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 4, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, June 4, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Miss Tara Smiddy, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Mr. Shepperd led the Pledge of Allegiance.

PRESENTATIONS

CLEAN BUSINESS AWARDS

Ms. Laurie Halperin, Beautification/Recycling Coordinator, provided the Board with a video presentation depicting the Clean Business Award recipients, and Chairman Wiggins and Mr. Richard Wallsom, Chairman of the York County Beautification Committee, presented the Clean Business Award plaque for the second quarter of 2002 to a representative of Wilco-Hess, 1724 George Washington Memorial Highway, Lower County recipient. Not able to be present were representatives of the Holiday Inn 1776 (Upper County) and Service Masters (Middle County).

YORK COUNTY YOUTH COMMISSION

Mr. Ryan Touhill, Chairman of the 2001-2002 Youth Commission, made the Commission's final report for the year, speaking about the recent "Right Choices for Youth" program. He thanked Mr. Smethurst and Mr. Burgett for their support to the commissioners during the year, and he thanked his fellow commissioners for working hard to make the year successful.

Chairman Wiggins commended Mr. Touhill on his leadership of the Commission during the year, and he provided some background on the Youth Commission and its mission. He then read aloud Resolution R02-94 commending the 2001-2002 Youth Commission, and he and Mr. Burgett presented the outgoing commissioners with bound and sealed copies and wished them much success in their future endeavors.

Chairman Wiggins and Mr. Burgett then welcomed and introduced the members of the 2002-2003 Youth Commission and presented them with York County pins.

CITIZENS COMMENT PERIOD

Mr. Bobby Horne, 310 Allen Harris Drive, spoke of a news article concerning activities relating to the Fort Eustis Boulevard extension project. He stated he had not read anything from the County about the project, and it was his understanding that the Board was going to keep the area residents of Settlers Crossing notified of any activity relating to the extension. He spoke of how the project was supposed to alleviate a volume of traffic from Route 17, but stated he did not see that happening. He stated he did not see the need for four lanes of traffic between Route 17 and Old York-Hampton Highway when the remainder was to remain two lanes.

Dr. Steven W. Doremus, 402 Allen Harris Drive, also spoke concerning the Fort Eustis Boulevard extension and VDOT not properly addressing the issues of safety, environmental protection, project design, and funding. He stated the extension will have a great impact on the neighborhoods it will go through, and he asked the Board to continue reviewing the project and oppose the current resolution until VDOT has adequately addressed all the concerns.

Ms. E. Jay Evans, 6052 Mooretown Road, asked the Board not to include the school buses in the proposed ordinance before the Board this evening concerning commercial vehicle parking. She explained how the entire community benefits from having the services of the school buses when located at the drivers' homes. She indicated the bus drivers have practiced area evacuation procedures since the area is in the Surry alert area, and explained the positive impact it has having the buses ready to go in case of inclement weather to pick up school children and get them home. Ms. Evans also noted that the buses are the only mode of transportation some of the bus drivers have to get back and forth to work, stating they are from one-car families. She also noted that all other surrounding localities allow their drivers to take their buses home.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds indicated the Board had been provided with draft copies of two letters to VDOT on which staff needed direction, one to endorse the Six-Year Plan and the other concerning improvements to Lakeside Drive. He stated if there were no objections, the Chairman would be asked to sign the letters so staff could forward them to VDOT.

By consensus the Chairman was requested to sign the subject letters.

Mr. McReynolds then reminded the Board of its upcoming work sessions on June 11 and June 25. He indicated he would be out of the office attending the Government Finance Officers Association conference June 13-17.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll mentioned that York County has a relay team for Relay for Life, and there are a lot of people who will walk on Friday and Saturday evening in the program. She invited citizens to come out to cheer on York County's team. She then noted that the YMCA had a fund-raiser this past Saturday evening at which she and Chairman Wiggins were present. She stated she was glad to see so much community enthusiasm for the project. Mrs. Noll then spoke concerning the FAMIS program which covers children who slip through the crack in the health system. She indicated individuals interested in contacting the organization should call 873-2647. Mrs. Noll also noted she attended a NASA Support Team meeting, stating the team was commended for raising the awareness for the need for research and development in the aeronautical field.

Mr. Burgett noted the Tabb Library has its new sign, and he expressed his hope that everyone would go by and see it soon. He thanked Bob Peters, General Services, for his work from the very start in getting the sign built and erected. He then noted he was beginning to notice graffiti again, and stated he has talked with the County's crime prevention officer about the reoccurrence. He asked the citizens to call and report any violations to the Sheriff's Office.

Mr. Shepperd provided the Board with information on his latest tour of County facilities, indicating this trip he visited Environmental and Development Services' Solid Waste, Recycling, and Mosquito Control functions.

Mr. Zaremba spoke of an editorial in the Daily Press on May 29 concerning York County's economic development, stating he felt strongly about its inaccurate content. He responded to the editor stating York County's staff had worked with Williamsburg's counterparts as well as with Lowes and WalMart to temper the standard designs to make them more architecturally pleasing and in line with the historical nature of the area. He suggested to the editor that if the editorial was intended to bash York County, he should take a ride west on Richmond Road from the historic area and explain what it was that York County should have chosen to emulate. Mr. Zaremba stated the article did have a positive note in that it got people to think about what the community should look like. He stated the issue of development has no easy answers, but the citizens must stay involved.

Chairman Wiggins indicated he also chose to respond to the editorial Mr. Zaremba spoke of, stating the piece was totally inaccurate and misleading. He indicated the County provides services that everyone has become accustomed to, and sound economic development in areas designated as such is imperative to keeping the tax rate down and insuring that the services are provided.

Meeting Recessed. At 8:04 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:14 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

COMMERCIAL VEHICLE PARKING RESTRICTIONS

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Ordinance No. 02-8 to amend various sections of Chapter 15 of the York County Code regarding the parking of certain commercial vehicles. He explained that VDOT has reviewed the proposed

ordinance and will recommend its approval to the Commonwealth Transportation Board. He then summarized the provisions of the proposed ordinance, including the statement of intent, the classifications of vehicles to be regulated, the designation of areas in which the ordinance will be enforced, exceptions, and enforcement. Mr. Carter stated it was a very narrow list of developments included in the enforcement area, and VDOT has suggested that it be done this way based on specific complaints from individual neighborhoods that wish to be included in the covered areas. He stated that staff recommends the adoption of proposed Ordinance No. 02-8, but indicated there were additional neighborhoods that had come forward and wished to be included. He suggested that the Board adopt the current ordinance, and he asked them to consider scheduling another ordinance to include additional areas at the Board's June 25 work session for and finalize it for a July 16 public hearing. He also suggested that the Board consider semi-annual review of the ordinance for the purpose of considering additional requests by neighborhoods to be covered by the ordinance.

Mr. Burgett indicated the County would be responsible for putting up "towing enforced" signs that will put more bite in the ordinance. He stated he wanted to make it very clear that the enforcement applies only to vehicles parked in residential areas covered by the ordinance.

Discussion followed concerning the availability of appropriate parking areas in the County for commercial vehicles.

Mr. Shepperd stressed that the ordinance did not address parking on private property.

Mr. Zaremba asked what was the criteria to be met for a subdivision to be included on the list.

Mr. Carter indicated on this initial ordinance staff relied on the individuals who contacted staff or code enforcement with a complaint. Other criteria might include density of development and potential safety impacts and other impacts on a particular neighborhood.

Discussion followed on criteria to be established for subdivision inclusion in the ordinance, as well as criteria for one to be removed from the ordinance. Also discussed were exceptions to the ordinance.

Chairman Wiggins then called to order a public hearing on proposed Ordinance No. 02-8 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 15,
YORK COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, RELATIVE
TO STOPPING, STANDING AND PARKING OF CERTAIN CLASSIFI-
CATIONS OF VEHICLES

Mr. Frank Mayhew, 103 Resolution Drive, spoke in opposition to commercial vehicles being allowed to park in certain residential areas. He talked about the accidents in York Crossing because of the current situation with parked commercial vehicles, stating the problem causes a negative impact on property values.

Mr. Steven Zuchowicz, 201 Choisy Crescent, stated there are areas where the homeowners' associations can choose whether or not they wish to allow commercial vehicles to park on its private roads. The ordinance in question only speaks to public roads. He stated he understood the argument of the school system, but there needs to be some regulation for the parking of commercial vehicles in residential neighborhoods. He asked that the Board approve the proposed ordinance.

Mr. Richard M. Hixson, Deputy Superintendent of York County Schools for Operations, provided the Board with statistics on the numbers of school buses in the County and the number of drivers who take buses home with them. He stated the proposed ordinance would impact 13 drivers, and the school system planned to generate additional parking in the Plantation Acres area for about eight more spaces; but this is the last area where this can be done. As the ordinance evolves and more areas are added, parking for the buses will have to be found. Mr. Hixson stated his major concern was the ability of the school system to recruit bus drivers.

Ms. Barbara Call, 114 Pine Street, stated she was a bus driver who trained all the new bus drivers in York County. She spoke of the single parents who use the buses to get to and from work. She stated she saw no real problem with parking the school buses on the streets in residential areas as long as it is safe. She asked the Board to reconsider adopting the ordinance and consider the school bus drivers' point of view.

Mr. Michael Amundson, 109 Haverstraw Court, spoke of why he felt the County needed an ordinance to prohibit the parking of commercial and large vehicles in residential neighborhoods. He stated they have an environmental impact which decreases the standard of living and creates an unsafe atmosphere for the residents. He indicated it also decreased the appearance of the community where the vehicles are parked. Mr. Amundson commended Mr. Burgett for advocating the ordinance, and he urged the Board to adopt proposed Ordinance No. 02-8.

Ms. Marcy Jack, 112 Baldrick Place, stated having buses parked at the drivers' residences is very beneficial in times of an emergency, and she did not see it as a major issue. Ms. Jack stated it would wind up costing a lot of tax dollars to find other places to park the buses, and she felt it was a good idea to continue allowing the bus drivers to keep them at their homes.

Ms. Ellen C. Wirt, 210 Fishneck Landing Road, thanked the Board and staff for the hard work on the proposed ordinance. She stated the school buses are a problem, and it is a health and safety issue for the communities housing the buses. She indicated she was assured that there was enough talent in the school system to come up with a better alternative than has been suggested at this time.

Ms. Colleen Brogan, 124 Barn Swallow Ridge, stated the commercial vehicle parking issue has been a concern for the residents of Grafton Woods for some time. She stated they consider the parking of commercial vehicles a detriment to the neighborhood. Ms. Brogan noted that Chairman Wiggins had indicated the Board would consider adding areas to the restriction, and she asked that Grafton Woods be included in the next consideration. She then displayed photographs to the Board depicting conditions with commercial vehicle parking in the Grafton Woods subdivision.

Ms. Nancy Brendle, 107 Mt. Vernon Drive, stated she has lived in Plantation Acres for 34 years, and there have been school buses parked in that neighborhood for at least that many years. She stated no one complains about the school buses being parked in residential areas as long as they have children in school. She encouraged the Board members to visit the bus garage and listen to the problems the bus drivers have transporting the children to school each day. She stated the bus drivers are doing everything they can to get the children back and forth to school safely, and she asked the Board members to consider the bus drivers before making a decision on the ordinance.

Mr. Ralph G. Marshall, Jr., 111 Goosley Road, asked what the commercial drivers will do with their vehicles if they can't park them in front of their homes. He noted that some individuals cited safety issues with the children playing and getting hurt because of the buses, and he stated he felt the parents should not let their children play in the street in the first place. He asked the Board not to adopt the proposed ordinance.

Mr. Kevin Hogg, 305 Mastin Avenue, indicated his neighborhood is included in the ordinance, and there might be only one or two people in the neighborhood who have complained about school buses and trucks being parked. He stated he had permission to park his truck and trailer on Route 17 from an owner of a commercial property, and he was ordered to move it unless he was renting space. He stated he no longer has the truck, but he was concerned about the County taking control of the neighborhood streets. Mr. Hogg stated he felt the areas should have been selected based on the majority wishes of the homeowners' associations.

Mr. Ralph Marshall, Sr., 111 Goosley Road, indicated his son parks his truck on his property on a second lot, and he doesn't see where it is a hazard or an eyesore to the community. He asked the Board to reconsider the ordinance.

There being no one else present who wished to speak concerning the subject ordinance, Chairman Wiggins closed the public hearing.

Mr. Burgett agreed that criteria needs to be developed for areas to be included in the ordinance. He suggested that staff draft it based on the same types of criteria used for a water project. He stated there weren't many subdivisions included in the proposed ordinance, and it will affect only 13 school bus drivers. Mr. Burgett stated he felt it was a much needed ordinance, and the Board and staff can work out solutions for the concerns addressed.

Mr. Shepperd stated there have been problems at times with some dump trucks in his district, but they were worked out through Code Enforcement. He stated it is an issue of community involvement. As communities grow and people make investments in their properties, attitudes change. Mr. Shepperd stated his three areas of concern were aesthetics of the homes, education impacts, and business impacts. He stated no one was against school buses, but the Board is very concerned. He stated the County has a responsibility to find places on which to park school buses and recruit needed school bus drivers. Businesses have a responsibility to find a place to park their vehicles other than at the homes of their employees. Mr. Shepperd also agreed that criteria needs to be developed by which to include or remove neighborhoods in the restriction.

Mrs. Noll stated the ordinance only affects areas that have requested the Board to do something about the commercial vehicle parking in their neighborhoods. She suggested that criteria include a majority of the residents in a particular neighborhood or subdivision requesting to either be added or removed from the restriction. She also suggested that review of the ordinance be on a yearly basis rather than semi-annual. Mrs. Noll stated the Board of Supervisors has responsibilities to the citizens, and the School Board has responsibilities to the school bus drivers.

Mr. Zaremba indicated he appreciated the citizen input on this issue. He stated the Board has a responsibility to make these kinds of decisions, and the members have listened to all sides of the issue. The Board's decision should fall with where the weight of the issues falls. He stated it was not a perfect ordinance, but it was a good first step.

Chairman Wiggins agreed it was the consensus of the Board to set some criteria for adding or deleting neighborhoods in the future, and he stated the Board needed to do something for the neighborhoods and subdivisions that request the prohibition of commercial vehicles being parked in their areas.

Mr. Burgett then moved the adoption of proposed Ordinance No. 02-8 that reads:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 15,
YORK COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, RELATIVE
TO STOPPING, STANDING AND PARKING OF CERTAIN CLASSIFI-
CATIONS OF VEHICLES

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along residentially oriented streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians, may create noise that disrupts the peace and tranquility of residential areas, and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, York County and certain other jurisdictions are authorized, subject to the approval of the Commonwealth Transportation Board, to adopt an ordinance that restricts or prohibits parking on any part of the secondary system of highways within their respective boundaries and which provides for the classification of vehicles for the purpose of these restrictions and prohibitions; and

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 4th day of June, 2002, that the following sections of Chapter 15, Motor Vehicles and Traffic, York County Code, be and they are hereby amended as follows:

Sec. 15-43. Uncontested payment of parking citation penalties; certification of contest of citation.

- (a) Every person receiving a citation from a law-enforcement officer that he has violated a provision of this Code regulating parking may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of ten dollars (\$10.00) to the county treasurer's office, within five (5) days after receipt of the citation, or upon voluntarily placing ten dollars (\$10.00) in a reply mail envelope and mailing it to the county treasurer's office, so that it is postmarked within forty-eight (48) hours after receipt of the citation; provided, however, that any citation for a violation of section 15-47.1 with respect to parking in a space reserved for persons with disabilities or for a violation of section 15-48(c) with respect to the parking of certain classes of vehicles in areas zoned for residential use shall require a voluntary payment of fifty dollars (\$50.00) to effectuate the aforesaid waiver.
- (b) All uncontested parking citations paid under this section shall be accounted for by the county treasurer. The contest, by any person, of a parking citation shall be certified, in writing, upon an appropriate form, to the general district court by the county treasurer.
- (c) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Sec. 15-48. Parking prohibited or restricted in specified places.

(c) Parking of certain classifications of vehicles in certain designated areas

- (1) Statement of Intent: The purpose of the following regulations is to define certain classifications of vehicles and to identify those areas where it is necessary to prohibit the parking of such classified vehicles in order to enhance pedestrian and vehicular safety, protect and preserve the public investment in such streets that are designed primarily for residentially-related traffic, and to protect and preserve the character of residential areas.
- (2) Classification of Vehicles: For the purposes of this subsection, the classification of vehicles shall be as follows:
 - a. Commercial Vehicle:
 1. Any vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments;
 2. Any vehicle, regardless of size, used in the transportation of hazardous materials as defined in section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Part 172, Subpart F);
 3. Any heavy construction equipment, whether located on the street or on a truck, trailer or semi-trailer;
 4. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle;
 5. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold
 - b. Passenger Carrying Vehicle
 1. Any vehicle designed to carry sixteen (16) or more passengers, including the driver.
 2. Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.
 - c. Recreational Vehicle

A device, whether or not self-propelled, designed or used for transporting persons or property for or in connection with recreation, as distinguished from mere transportation, having a gross vehicle weight of ten

thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments, and including such things as motor homes, travel trailers, campers, boats and boat trailers.

(3) Designation of Specific Vehicle Classifications and Areas Subject to Restriction

No person shall park any commercial vehicle, passenger-carrying vehicle, or recreational vehicle (all as defined herein) on any road, highway or street within the state secondary system of highways in any of those areas or subdivisions in the County as described below. In the case of subdivisions, the areas governed by this subsection shall be those areas commonly known by the names listed below and designated on the plats of subdivision recorded in the clerk's office of the circuit court of the county. Such restrictions shall have no application to any privately owned street, or any street owned by a property owners association within the listed areas. In the event a street serves as the dividing line between a residential and commercial zoning district, the parking restrictions shall apply only on the residentially-zoned side of the street.

- a. Skimino Farms subdivision, all sections.
- b. Greensprings vicinity being further described as the area bounded by Bypass Road on the south, Waller Mill Road on the west, Carrs Hill Road on the north, and Route 132 on the east.
- c. Penniman Road/Government Road/Hubbard Lane vicinity being further described as the area bounded by Government Road and Penniman Road on the south and southwest, the Williamsburg city line on the west and northwest, the Colonial Parkway on the north, and Interstate 64 on the northeast and southeast, including, but not limited to, all sections of the Queenswood, Charleston Heights, Springfield Terrace, Nelson Park, York Terrace, Magruder Woods, Bruton Glen, Penniman East, Penniman Woods, Queens Creek Estates, and Middletown Farms subdivisions.
- d. Carver Gardens
- e. Yorktown, being further described as the area bounded by the York River on the northeast, the United States Coast Guard Reserve Training Center on the east, Route 238 and the Colonial Parkway on the southwest, and Yorktown Creek on the west.
- f. York Crossing.
- g. Glen Laurel
- h. Yorkshire Park
- i. Heritage Hamlet
- j. Plantation Acres
- k. Bethany Terrace

- (4) Procedures for Consideration and Establishment of Classifications and Area Designations:

As directed by the Commonwealth Transportation Board, in accordance with Section 46.2-1222 of the Code of Virginia, the provisions of subsection (c) of this section shall have been initially established and may be amended only in accordance with the following procedures:

- a. At a regularly scheduled meeting of the Board of Supervisors (all of which are broadcast on the County's government access channel) the Board will announce its intention to consider the adoption of an ordinance defining certain classifications of vehicles and regulating and restricting the parking of such vehicles along certain streets in the County. The Board's announcement will include an invitation for citizens to suggest residential streets and/or residential subdivisions to be included in such proposed restrictions.
- b. Subsequent to the public announcement of its intention to consider such an ordinance, the Board will direct the County Administrator to prepare a recommendation concerning the classification of vehicles and a listing of streets proposed as candidates for establishment of parking restrictions. The proposed ordinance shall be presented to the Board for preliminary review and such adjustments as the Board deems appropriate.
- c. The determination of streets and areas to be subject to such parking restrictions shall be based on characteristics including, but not necessarily limited to:
 1. location within a residential zoning classification. If the centerline of the subject street is a zoning district boundary line, the parking restriction shall apply only on the residentially -zoned side;
 2. density of development, with primary focus on residential subdivisions with a typical lot size of acre or less;
 3. predominant lot width and street frontage characteristics, with primary focus on subdivision settings where typical lot widths are 150 feet or less;
 4. location-specific safety issues including, but not limited to, considerations of traffic volumes, street surface width, sight distance, and use characteristics;
 5. documentation or determination of inappropriate parking of classified vehicles or the potential for such parking to occur.
- d. Subsequent to this preliminary review and consideration, the Board will determine whether the ordinance should be formally considered and, if so, it shall be advertised for public hearing by the Board in accordance with the advertisement and public notice requirements for County Code amendments, as set forth in the Code of Virginia. In addition to the

standard legal advertisements, the Board's intention to consider such restrictions will be advertised on the County's government access cable channel and through such other media opportunities as the Board and County Administrator determine appropriate.

- e. Concurrently with the advertisement of the proposed ordinance for public hearing, the Board will transmit a copy of the proposal to the Virginia Department of Transportation Resident Engineer. The County staff will coordinate with the Resident Engineer to ensure communication of any VDOT concerns or considerations to the Board for its review. Among other considerations, the Resident Engineer will be asked to review the potential for such restrictions to shift commercial vehicle parking to Primary routes or to other portions of Secondary routes where more serious traffic safety problems might be created.
 - f. At the prescribed date and time, the Board will conduct the advertised public hearing and consider the comments received and other considerations and factors the Board deemed appropriate. The Board will then, at that or a subsequent meeting, adopt, adopt with amendment, or reject the proposed ordinance.
 - g. Any ordinance adopted by the Board shall be subject to approval by the Commonwealth Transportation Board and it shall not become effective until such approval is given. Subsequent to the initial adoption and approval of such an ordinance pertaining to classification of vehicles and designation of restricted areas, the Board may consider and adopt amendments to add or delete classifications, streets or areas in accordance with the procedures set out above and subject to approval by the Commonwealth Transportation Board.
 - h. Subsequent to approval of the ordinance by the Commonwealth Transportation Board, the County shall be responsible for the fabrication and posting of all such signs as are necessary to inform the public of the restrictions that apply to the subject streets. The County shall be responsible for the initial installation and subsequent maintenance of such signs and the prompt repair, removal and / or replacement of any signs that are damaged or destroyed.
- (d) *Application.* The prohibitions and restrictions set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic control device, or during a permitted period of time in officially-designated parking areas, or in case of vehicular breakdown, or in an emergency which renders it necessary. Moreover, the prohibitions and restrictions contained in subsection (c) of this section shall have no application to any vehicle while such vehicle is in actual use for loading or unloading or while actually engaged in the provision of goods or services.
- (e) *Posting of signs.* The county administrator shall cause "No Parking" and "1-Hour Parking" signs to be posted in the subject areas. Such signs shall comply with all applicable standards and specifications as set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and the specifications that the County intends to use shall be coordinated with and approved by the Resident Engineer prior to fabrication. The County

shall secure such permits as may be necessary for its personnel to work within and install the signs in VDOT rights-of-way.

- (f) *Application of sections 15-43 through 15-45.* The provisions of sections 15-43, 15-44 and 15-45 of this Code shall apply in the enforcement of this section.
- (g) *Penalty for violation.* Any person who violates any provision of this section shall be guilty of a traffic infraction and punished as provided in section 15-2 of this Code.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

APPLICATION NO. YVA-13-02, DEBBIE AND ROGERS HAMILTON

Mr. Carter made a brief presentation on Application No. YVA-13-02, requesting a special use permit to establish a bed and breakfast establishment in an existing single-family detached home located at 114 Church Street in historic Yorktown. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-112.

A very brief discussion took place concerning the number of rooms and/or the number of guests which could be housed as allowed by the use permit.

Chairman Wiggins called to order a public hearing on Application No. YVA-13-02 which was duly advertised as required by law. Proposed Resolution R02-112 is entitled:

A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A BED
AND BREAKFAST INN AT 114 CHURCH STREET

Mr. Rogers Hamilton, the applicant, indicated he was present to answer any questions the Board might have concerning his application.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Zaremba moved the adoption of proposed Resolution R02-112 that reads:

A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A BED
AND BREAKFAST INN AT 114 CHURCH STREET

WHEREAS, Debbie and Rogers Hamilton have submitted Application No. YVA-13-02, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance, to establish a bed and breakfast inn within an existing single-family detached dwelling on a 0.25-acre parcel of land located at 114 Church Street and further identified as Assessor's Parcel No. 18-1-29A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that Application No. YVA-13-02 be, and it is hereby, approved to authorize the establishment of a bed and breakfast inn within an existing single-family detached dwelling on a 0.25-acre parcel of land located at 114 Church Street and further identified as Assessor's Parcel No. 18-1-29A, subject to the following conditions:

1. This approval shall authorize the establishment of a bed and breakfast inn within a single-family detached dwelling on property located at 114 Church Street and further identified as Assessor's Parcel No. 18-1-29A. Rental of rooms shall be limited to overnight guests as opposed to long-term boarders. The owner's living quarters in the principal dwelling shall be the only dwelling unit permitted on the property.
2. The owners/operators of the bed and breakfast establishment shall reside on the premises and maintain the property primarily as a single-family residence with the bed and breakfast operation constituting an accessory use.
3. A site plan and building plans, prepared in accordance with Article V of the York County Zoning Ordinance and the Uniform Statewide Building Code shall be submitted to and approved by the York County Department of Environmental and Development Services prior to the establishment of the bed and breakfast operation. The plan shall describe the interior of the building in sufficient detail to determine compliance with parking, health, and building code requirements. In addition, all existing and proposed off-street parking areas shall be identified and installed according to specifications outlined in Article VI of the York County Zoning Ordinance. No off-site parking provisions shall be permitted.
4. One (1) freestanding, non-illuminated sign, not to exceed four (4) square feet in area, shall be permitted to identify the use.
5. The maximum occupancy of the bed and breakfast, not including the owners/operators or the children of registered guests, shall be four (4) adult guests if operated as a two-bedroom facility, six (6) adult guests if operated as a three-bedroom facility, or eight (8) adult guests if operated as a four-bedroom facility.
6. Retail sales on the premises shall not be permitted.
7. The bed and breakfast inn shall be operated in conformance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

June 4, 2002

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

APPLICATION NO. UP-595-02, K. DALE MOORE

Mr. Carter made a presentation on Application No. UP-595-02 requesting a special use permit to authorize a 125-foot freestanding monopole communications tower within a flagpole structure located at 3010 Big Bethel Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-113.

Mr. Shepperd questioned the color white being used for the flag pole.

Mr. Carter indicated this was the staff's and the applicant's recommendation. The only change would be if the FAA requirements were otherwise. He noted there was also a stipulation in the use permit which requires approval of the Board if there is any major change in the painting scheme.

Mr. Shepperd asked about the applicant being able to fly the Virginia state flag.

Mr. Carter indicated the proposal is to limit the permit to flying the American flag.

Mr. Shepperd stated it was his experience that the ropes that raise and lower the flags on these poles at times flap and cause a lot of noise. He asked if the applicant would be required to keep this from happening or if the ropes would be internal.

Mr. Carter noted he could not answer that question.

Discussion followed.

Mr. Zaremba suggested that the word "only" be added to the end of condition No. 5 regarding the flying of the American flag during daylight hours.

Chairman Wiggins called to order a public hearing on Application No. UP-595-02 which was duly advertised as required by law. Proposed Resolution R02-113 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A 125-FOOT SELF-SUPPORTING MONOPOLE COM-
MUNICATIONS FLAGPOLE TOWER AT 3010 BIG BETHEL ROAD

Mr. Dale Moore, the applicant, indicated the other color he looked at was a polished aluminum. He indicated he would be happy to answer any other questions.

Mrs. Noll reiterated Mr. Shepperd's concern about the possibility of the pole's ropes flapping and causing a great deal of noise.

Mr. Moore stated he was not sure, but he thought the ropes were contained within the pole. He stated if the ropes make a great deal of noise, he would do something to correct it because he didn't want to anger his neighbors or negatively affect his business.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R02-113(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A 125-FOOT SELF-SUPPORTING MONOPOLE COM-
MUNICATIONS FLAGPOLE TOWER AT 3010 BIG BETHEL ROAD

WHEREAS, K. Dale Moore has submitted Application No. UP-595-02, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize construction of a 125-foot freestanding monopole communications tower with associated equipment on the parcel located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that Application No. UP-595-02 be, and it is hereby, approved to authorize construction of a 125-foot freestanding monopole communications tower/flagpole on a 2.34-acre parcel of land located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28, subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower/flagpole on a 2.34-acre parcel of land located at 3010 Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 24 (60)-28.
2. The height of the flagpole/tower shall not exceed 125 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant a copy of which is located in the application files for this request maintained by the York County Department of Environmental and Development Services. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.

4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. No flag other than a single Flag of the United States shall be flown from the tower/flagpole. Said flag shall be flown continuously during daylight hours only. Corporate logo emblem flags shall be expressly prohibited.
6. Illumination of the flag shall not be permitted.
7. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
8. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
9. Advertising and signage on the tower/flagpole shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
10. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
11. All ground-mounted equipment associated with the tower/flagpole shall be located inside or, if located outside, shall be screened from view utilizing evergreen planting material deemed acceptable to the County. Any building addition necessary to house the equipment shall be depicted on the above-referenced site plan and shall match the façade and building materials of the existing buildings on the site.
12. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.

13. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
14. Evidence shall be provided within ninety (90) days upon receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility has been constructed or the use permit shall be considered null and void.
15. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County.
16. The communication tower shall be white in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted and approved by the County.
17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower. No antenna arrays of any kind shall be located on or visible from the outside of the tower.
18. The communications tower shall be structurally designed to accommodate no fewer than two (2) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
19. Significant modifications to a previously approved communications tower as determined by the Zoning Administrator shall require that a new use permit application be submitted for review in accordance with the provisions of this section. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
 Nay: (0)

APPLICATION NO. UP-596-02, ELIZABETH ROBINSON

Mr. Carter made a brief presentation on Application No. UP-596-02 requesting a special use permit to authorize a beauty shop as a home occupation within a single-family detached dwelling located at 521 Waller Mill Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-114.

Chairman Wiggins called to order a public hearing on Application No. UP-596-02 which was duly advertised as required by law. Proposed Resolution R02-114 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
 AUTHORIZE A BEAUTY SHOP AS A HOME OCCUPATION AT 521
 WALLER MILL ROAD

June 4, 2002

Mrs. Elizabeth Robinson, the applicant, stated it was just a small business, maybe one or two clients a day. She asked the Board to act favorably on the application.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R02-114 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A BEAUTY SHOP AS A HOME OCCUPATION AT 521
WALLER MILL ROAD

WHEREAS, Elizabeth Robinson has submitted Application No. UP-596-02 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.68-acre parcel of land located at 521 Waller Mill Road and further identified as Assessor's Parcel No. 6-1-2A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that Application No. UP-596-02 be, and it is hereby, approved to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty shop as a home occupation within a single-family detached dwelling on a 0.68-acre parcel of land located at 521 Waller Mill Road and further identified as Assessor's Parcel No. 6-1-2A, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on a 0.68-acre parcel of land located at 521 Waller Mill Road and further identified as Assessor's Parcel No. 6-1-2A.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 150 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesday through Friday from 9:00 AM to 5:00 PM and Saturday from 8:30 AM to 1:00 PM.

6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, a minimum of one (1) off-street parking space shall be provided on the premises to accommodate customers. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

APPLICATION NO. UP-597-02, JOHN E. WRAY TRUST

Mr. Carter made a brief presentation on Application No. UP-597-02 requesting a special use permit to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road approximately 3,300 feet south of its intersection with Airport Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-115.

Mr. Shepperd asked how consideration for this proposal differs if the property were left wooded and someone came in and wanted to erect a building on it.

Mr. Carter stated the forestry permit allows property to be timbered without having to go through the site plan development process.

Chairman Wiggins noted there is also a larger buffer required with forestry.

Discussion followed concerning background on why forestry buffers are larger than developed property.

Mr. Shepperd asked what consideration had been given to transporting the logs in and out of the site.

Mr. Carter stated there was no restriction to how they enter or exit the site because as the trucks move up Mooretown Road, they will be in a light industrial area.

June 4, 2002

Mr. Zarembo indicated Mr. Carter had coordinated this application with Williamsburg and James City County to be a good neighbor, but only received comments from James City County. He asked if Mr. Carter had heard from Williamsburg.

Mr. Carter stated he did not know if staff had talked with anyone in Williamsburg. He stated Williamsburg will be getting a copy of the watershed impact analysis to review.

Mr. Zarembo asked if it would be possible to restrict the trucks existing the site to go north to Lightfoot and I-64.

Mr. Barnett indicated he felt that would be a reasonable condition.

Mr. Zarembo asked the Board to consider amending the permit to require a northbound exit from the site. He also asked if the dilapidated building currently on the site was going to be removed.

Mr. Carter stated it wasn't a part of the application proposal, but staff was hoping it would be removed when the property was made ready for commercial marketing.

Mrs. Noll agreed that it was a good idea to restrict the flow of the trucks exiting from the site.

Mr. Carter suggested that the proposed resolution be amended to add a new paragraph 11 requiring that trucks leave the site turning right to travel northbound on Mooretown Road toward I-64.

Chairman Wiggins then called to order a public hearing on Application No. UP-597-02 which was duly advertised as required by law. Proposed Resolution R02-115 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE A FORESTRY OPERATION ON MOORETOWN ROAD (ROUTE 603)

Mr. Chuck Carlisle, representing the Wray Trust, indicated the applicant has agreed to remove the building that is currently on the property. He assured the Board the trucks leaving the property would be turning north on Mooretown Road to get to I-64.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R02-115(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE A FORESTRY OPERATION ON MOORETOWN ROAD (ROUTE 603)

WHEREAS, the John E. Wray III Trust has submitted Application No. UP-597-02 to request a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 10) of the Zoning Ordinance, to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that Application No. UP-597-02 be, and it is hereby, approved to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46 subject to the following conditions:

1. This special use permit shall authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46.
2. All activities shall comply with Sections 24.1-419, Standards for Forestry Operations, and 24.1-376, Watershed Management and Protection Area Overlay District, of the York County Zoning Ordinance.
3. All harvest activities shall be in accordance with the forest management plan titled "Forest Management Plan for Wray Brothers, Inc. York County, Virginia," submitted by Charles Rady Harmon, Consulting Forester, Timber Marketing & Management, Inc., and dated February 1, 2001, except as modified herein. A revised forest management plan incorporating the conditions of this use permit shall be submitted to the Zoning Administrator and the Virginia Department of Forestry for approval prior to the commencement of the forestry operation.
4. An impact study prepared in accordance with the provisions of Section 24.1- 376(f) of the York County Zoning Ordinance shall be submitted to and approved by the Zoning Administrator prior to the commencement of any harvesting activity on the property.
5. An Erosion and Sediment Control Plan prepared in accordance with the provisions of Chapter 10 of the York County Code, Erosion and Sediment Control, shall be submitted to and approved by the County prior to the commencement of any harvesting activity on the property.
6. All forestry activities on the site shall be conducted in accordance with the guidelines set forth in the Virginia Department of Forestry's Forestry Best Management Practices for Water Quality in Virginia Technical Guide (3rd Edition).
7. All areas of bare soil resulting from the harvest shall be stabilized through revegetation in accordance with the guidelines set forth in the Virginia Department of Forestry's Forestry Best Management Practices for Water Quality in Virginia Technical Guide (3rd Edition). This revegetation shall immediately follow the conclusion of harvest activity on the property.

8. Archaeological Site No. 44YO389 as identified by the study entitled Resource Protection Planning Revisited: James City County, York County, and City of Williamsburg, prepared by the Colonial Williamsburg Foundation's Department of Archaeological Research, shall be left in an undisturbed state. No timber harvesting shall be permitted in the area of this site unless and until a Phase I archaeological study has been completed in accordance with the provisions set forth in Section 24.1-374(d) and submitted to the Zoning Administrator for review.
9. All buffers required herein shall be clearly painted rather than marked with the more common "flagging" technique.
10. All harvested timber, logs, tree branches, limbs, dead and damaged trees, and associated debris shall be removed from the site upon completion of the timber harvest.
11. Logging trucks exiting the site shall be prohibited from turning left onto Mooretown Road.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

UNFINISHED BUSINESS

FORT EUSTIS BOULEVARD EXTENSION

Mr. Carter made a presentation on proposed Resolution R02-108(R) to request the Commonwealth Transportation Board and the Virginia Department of Transportation to adjust the scope of the Fort Eustis Boulevard Extension Project. He discussed the concerns of the railroad with the proposed at-grade crossing, and stated it looks like the railroad may require a grade-separated crossing. He explained the alternative proposal for eliminating the current crossing at Wolftrap Road. Mr. Carter stated there are questions that need to be investigated further, but staff feels it would be advantageous to get on with the segment of the project lying between Route 17 and Old York-Hampton Highway. VDOT is looking at splitting the project into two phases; and if this happens, there is no reason why the first phase of Route 17 to Old York-Hampton Highway can't go forward. He stated the section would open up better access to York River Commerce Park and other land in the area available for economic development. Mr. Carter then addressed the issue of whether or not the portion from Old York-Hampton Highway to Goodwin Neck Road should be two or four lanes. Staff does not believe a four-lane facility would be necessary, and it would assist in the railroad crossing issue which could be under study while the first phase is being constructed. Mr. Carter also noted that the Fort Eustis Boulevard project from Route 17 to Jefferson Avenue has not been canceled—it has been moved back to the "development" stage, but no construction funds have been programmed as yet. He stated there are some environmental issues dealing with the project, and VDOT is prepared to deal with them and take appropriate mitigative measures.

Discussion followed on the length of time the extension project in York County has been planned and the number of meetings and hearings that have been held on the subject to inform the citizens of the project.

Mr. Zaremba noted his concern that staff now feels the Old York-Hampton Highway to Goodwin Neck Road portion of the project no longer needs to be four lanes and the way that conclusion was being articulated in the proposed resolution to VDOT. He asked Mr. Carter to clarify the meaning of the resolution.

Mr. Carter noted the project has been shown for years on the County's long-range plan as well as the Hampton Roads Planning District Commission Regional Plan and in concept in the State's long-range plans. It was staff's understanding all along that the extension would be initially built as a two-lane road on a four-lane right-of-way, knowing that ultimately it might need to grow into a four-lane highway. Staff was surprised when VDOT came up with the plan for four lanes. VDOT explained it had made it four lanes so it could get all the comments ultimately on the four-lane facility once rather than going through the process twice. Staff also had the opportunity to complete a very detailed analysis of the County's ultimate build-out population as well a look at future economic development opportunities which resulted in the opinion that was expressed in the staff memorandum that the road should operate satisfactorily as a two-lane facility.

Chairman Wiggins asked Mr. Carter how long this project has been in the works.

Mr. Carter indicated the project was first referenced in the 1960s.

Mr. Burgett moved the adoption of proposed Resolution R02-108(R) that reads:

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADJUST THE SCOPE OF THE FORT EUSTIS BOULEVARD EXTENSION PROJECT (ROUTE 1050)

WHEREAS, the Virginia Department of Transportation recently conducted a design public hearing for a proposed project to extend Fort Eustis Boulevard to a connection with Goodwin Neck Road (Project #1050-099-180/Federal Project: STP-5403(429)); and

WHEREAS, as a result of comments and considerations raised at and subsequent to the public hearing, it has become apparent that the project scope and design will need to be adjusted to accommodate the proposed crossing of the CSX rail spur; and

WHEREAS, in addition, the Board of Supervisors has determined that the proposed four-lane cross-section for the segment of the project between Old York-Hampton Highway and Goodwin Neck Road will likely provide greater capacity than is necessary to serve all future growth and development that can reasonably be projected for the subject corridor; and

WHEREAS, as a result of this analysis of growth potential, the Board is of the opinion, subject to VDOT's concurrence with the growth and traffic projections, that the project design should be adjusted to provide for an ultimate cross-section of two lanes on a two-lane right-of-way for the segment between Route 634 (Old York-Hampton Highway) and Route 173 (Goodwin Neck Road); and

WHEREAS, the Board is also of the opinion that the project scope should be adjusted to include elimination of the current Wolftap Road crossing and construction of a new connection between Hornsbyville Road and Fort Eustis Boulevard extended, or to provide for a grade-separated crossing of the CSX railroad spur, subject to resolving design and funding issues; and

WHEREAS, the Board recognizes that adjusting the scope to consider closing the Wolftap Road crossing or a grade-separated railroad crossing will require additional design/engineering time as well as additional project funding; and

WHEREAS, in order to provide time to address and resolve design and funding issues, but to avoid delays in providing improved access to the primary economic development area to be served by this project, the Board is of the opinion that the proposed 4-lane segment between Route 17 and Route 634 should be designated and pursued as a first phase while additional design efforts continue on the above-described segment.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 4th day of June, 2002, that the Commonwealth Transportation Board and the Virginia Department of Transportation be, and they are hereby, respectfully requested to amend the scope of Project #1050-099-180 (Fort Eustis Boulevard Extension) to accomplish the following:

- ? Split the project into two segments with Phase I (top priority) being the four-lane segment between Route 17 and Route 634 and Phase II being the segment between Route 634 and Route 173;
- ? Proceed as expeditiously as possible to acquire right-of-way for and to construct the Phase I segment between Route 17 and Route 634;
- ? Adjust the project design to a two-lane cross-section on a two-lane right-of-way for the segment between Route 634 and Route 173, subject to VDOT's concurrence with the growth and traffic projections for the area;
- ? Consider adjusting the project design to provide for closing Wolftap Road at the existing rail crossing and a new road connection between Hornsbyville Road and Fort Eustis Boulevard extended, or to provide a grade-separated crossing of the CSX railroad spur;
- ? Develop revised cost estimates based on the revised cross-section and the Wolftap Road closure or grade-separated crossing alternatives and assist the County in identifying and pursuing supplementary funding to accommodate any additional costs for Phase II of the project.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to convey the Board's position to the Commonwealth Transportation Board and the Virginia Department of Transportation and to take such other actions as he deems appropriate to urge consideration of the County's position and to communicate the County's position with officials at the regional and state level.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the May 7, 2002, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 8. COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD: Resolution R02-89

A RESOLUTION TO APPROVE REVISIONS TO THE JOINT EXERCISE OF POWERS AGREEMENT WITH THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, Sections 53.1-180 et. Seq. of the Code of Virginia provides for the establishment of community criminal justice boards to enable participating jurisdictions to develop, establish and maintain community based corrections programs; and

WHEREAS, changes to the Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board have been made to reflect amendments to the Code of Virginia; and

WHEREAS, it is necessary for member jurisdictions of this regional board to designate a fiscal agent; and

WHEREAS, James City County has long served in that capacity and is willing to continue doing so;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that the County Administrator be, and he is hereby authorized to execute the revised Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board.

BE IT FURTHER RESOLVED that Board of Supervisors is in agreement with the designation of James City County as fiscal agent for the Colonial Community Criminal Justice Board.

Item No. 9. PUBLIC SEWER EXTENSION AGREEMENT—CREEKSIDE LANDING: Resolution R02-104

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS CREEKSIDE LANDING, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Mid-Atlantic Holdings, L.L.C. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a new 265 single-family residential development; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the connection fees for this development will be calculated in accordance with the terms of Chapter 18.1 of the York County Code upon final development plan approval;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of June, 2002, that the Board approves the extension of the County's public sewer system to serve the proposed development, Creekside Landing, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Mid-Atlantic Holdings, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

NEW BUSINESS

DIRT STREET IMPROVEMENT PROGRAM: KAY LANE

Mr. McReynolds made a brief presentation on proposed Resolution R02-90 to proceed with the relocation of above-ground utilities and authorize dedication to VDOT of rights-of-way and easements for property along Kay Lane in preparation for subsequent improvements. He asked that the Board consider one amendment—substitute the word “dedicate” for the current word “transfer” in the title and NOW, THEREFORE, portions of the resolution.

Mrs. Noll then moved the adoption of proposed Resolution R02-90(R) that reads:

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO PROCEED WITH RELOCATION OF ABOVE-GROUND UTILITIES AND TO AUTHORIZE THE DEDICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) OF RIGHTS-OF-WAY AND EASEMENTS FOR PROPERTY ALONG KAY LANE IN PREPARA-

TION FOR SUBSEQUENT IMPROVEMENT OF KAY LANE UNDER
THE RURAL ADDITIONS PROGRAM.

WHEREAS, the Board of Supervisors has established the "Dirt Street Program" to upgrade unimproved streets to the extent necessary for acceptance by VDOT into the state secondary road system, and

WHEREAS, Kay Lane has been selected as an unimproved street that could be improved under this program; and

WHEREAS, VDOT has agreed to fully fund street improvements for Kay Lane, minus utility work, for an amount not to exceed \$148,593, to enable acceptance into the State Secondary Road System; and

WHEREAS, the York County Board of Supervisors wishes to authorize the County Administrator to take certain actions including relocation of utilities and transfer of right-of-ways and easements to VDOT in order to have VDOT accept this road into the state secondary road system;

NOW, THEREFORE, BE IT RESOLVED the York County Board of Supervisors, this 4th day of June, 2002, that the County Administrator be and is hereby authorized to dedicate rights-of-way and easements associated with Kay Lane to the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that \$40,000, be, and is hereby, appropriated from the "Dirt Street" account of the Capital Improvements Fund to accomplish power pole relocation necessary to complete improvements to Kay Lane.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to do all things necessary associated with the implementation of this project, without further action by this Board, provided that the cost of said purchases shall not exceed funds available for this project.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

CLOSED MEETING. At 10:48 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-3711(a)(3) pertaining to the acquisition of public property for a public purpose.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Meeting Reconvened. At 11:15 p.m. the meeting was reconvened in open session by order of the Chair.

June 4, 2002

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mr. Burgett moved the adoption of proposed Resolution R02-121 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
PLANNING COMMISSION

WHEREAS, the term of Robert E. Beil, Jr., Planning Commissioner for Election District 4, will expire on June 30, 2002; and

WHEREAS, Mr. Beil has served two full terms on the Commission and, therefore, is ineligible for reappointment; and

WHEREAS, the Board has been requested to make an appointment to fill the seat to be vacated by Mr. Beil;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of June, 2002, that it appoints the following individual to the Planning Commission to serve a term to begin July 1, 2002, and expire June 30, 2006:

Nicholas F. Barba

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
 Nay: (0)

APPOINTMENTS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY

Mrs. Noll moved the adoption of proposed Resolution R02-119 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, on June 30, 2002, the terms of Alex G. Llorente and A. Travis Quesenberry on the York County Industrial Development Authority will expire;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that both Alex G. Llorente and A. Travis Quesenberry be, and they are hereby, reappointed to the York County Industrial Development Authority for a term of four years, such term to begin July 1, 2002, and expire June 30, 2006.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
 Nay: (0)

APPOINTMENT TO THE PENINSULA ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

Mr. Burgett moved the adoption of proposed Resolution R02-120 that reads:

A RESOLUTION TO REAPPOINT YORK COUNTY'S REPRESENTATIVE TO THE PENINSULA ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

BE IT RESOLVED by the York County Board of Supervisors this the 4th day of June, 2002, that Julia Allaman be, and she is hereby, reappointed as York County's representative on the Peninsula Alcohol Safety Action Program Policy Board for a term of three years, such term to begin July 1, 2002, and expire June 30, 2005.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
 Nay: (0)

Meeting Adjourned At 11:19 p.m. Mr. Zaremba moved that the meeting be adjourned to 6:00 p.m., Tuesday, June 11, 2002, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
 Nay: (0)

June 4, 2002

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors